

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

Applicant believes that the above changes answer the Examiner's 35 U.S.C. 112, paragraph 2, rejection of claim 7, and respectfully requests withdrawal thereof.

The Examiner has rejected claims 1-6 and 10 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,411,723 to Lock et al. The Examiner has further rejected claim 9 under 35 U.S.C. 103(a) as being unpatentable over Lock et al. in view of U.S. Patent 6,144,746 to Azima et al.

In addition, the Examiner has rejected claims 1, 7 and 8 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent 6,590,993 to D'Hough et al. in view of Lock et al.

In response thereto, enclosed herewith is a Terminal Disclaimer.

The Lock et al. patent discloses loudspeakers each having an acoustic panel 14 with a front 25 and rear 26 surface, a magnet/voice coil 17/18 attached to the panel via a hole in the panel 14 thereby being in contact with both the front and rear surfaces, and a rigid panel 28 for modifying the frequency response

curve of the loudspeaker, the rigid panel 28, a frame 11 and the panel forming an acoustic cavity.

The subject invention relates to a flat panel loudspeaker in which an acoustic panel has a first main surface and a second main surface. As claimed in claim 1, the loudspeaker includes "an electrical exciter positioned on a side of said acoustic panel comprising said first main surface and arranged on the first main surface", and "a tuning element positioned on a side of said acoustic panel comprising said second main surface, disposed near the second main surface and extending at least partly opposite the exciter, said tuning element forming a resonant cavity with the acoustic panel".

The Examiner indicates that magnet/voice coil combination of Lock et al. reads on the electrical exciter as claimed, and the rigid panel of Lock et al. reads on the tuning element as claimed.

As noted in MPEP § 2131, it is well-established that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, and that "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant believes that the Examiner is mistaken. In particular, claim 1 reads "an electrical exciter positioned on a side of said acoustic panel comprising said first main surface and arranged on the first main surface". However, the magnet/voice coil of Lock et al. is not positioned and arranged in this fashion, but rather, is integrated with a hole through the panel.

Further, claim 1 reads "a tuning element positioned on a side of said acoustic panel comprising said second main surface, disposed near the second main surface and extending at least partly opposite the exciter, said tuning element forming a resonant cavity with the acoustic panel". This, in combination with the description of the placement of the exciter, means that the exciter is positioned on one side of the panel while the tuning element is positioned on the other side of the panel at least partially opposite to the exciter. Applicant submits that the rigid panel in Lock et al. is at least positioned on the same side of the acoustic panel as the magnet/voice coil.

The Azima et al. patent discloses loudspeakers comprising panel-form acoustic radiating elements in which a sound radiating panel is supported in a frame by a resilient suspension. However, Applicant submits that Azima et al. does not supply that which is missing from Lock et al., i.e., "an electrical exciter positioned on a side of said acoustic panel comprising said first main surface and arranged on the first main surface", and "a tuning element

positioned on a side of said acoustic panel comprising said second main surface, disposed near the second main surface and extending at least partly opposite the exciter, said tuning element forming a resonant cavity with the acoustic panel".

In view of the above, Applicant believes that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicant believes that this application, containing claims 1-10, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by 
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